

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA )  
v. )  
JUSTIN GLYNN FRENCH, )  
Defendant. )  
Criminal No. 3:11CR017

**GOVERNMENT'S MOTION TO PARTIALLY VACATE PRELIMINARY  
ORDERS OF FORFEITURE AND BRIEF IN SUPPORT THEREOF**

COMES NOW THE UNITED STATES OF AMERICA, and herewith moves the Court to vacate:

(1) the First Consent Order of Forfeiture entered on March 4, 2011 with respect to the following assets:

- Real property and improvements known as 330 Oak Lane, Richmond, VA 23226;

## Attachment A

- Elegant Trogon, 2007 - flasche on birch plywood, 11 3/8 x 8 x 4, signed by the artist on verso, by Richard Roth

## Attachment B

Maker	Description
-Fendi	Simplicio 3 white leather sofa
-Fendi	(2) Black lacquered chairs
-Fendi	(2) white leather armchair
-Fendi	Servus w/ Tray in black, chromed metal legs
-Fendi	Black FF New Zealand wood, hand tufted rug
-Anthony Bronza	Bench, 2006 -American walnut, 17x40x17 1/2"

**Attachment C**

- A painting by Artist Gerald Donato, Untitled (Mask), 1987 - acrylic and oil on canvas, 76 1/2 x 66 1/2", signed
- Freestanding stainless steel bar and appliances
- Custom conference table made of Cypress wood
- Furniture and
- Assorted artwork.

(2) the Third Consent Order of Forfeiture entered on May 3, 2011 with respect to the following assets:

- Promissory note in the amount of \$90,000.00 from Mark Gans to Justin French referencing 18-20 South Allen Street;
- One hundred percent of the membership interest of Justin G. French, sole member of Griffin French Alley, LLC, a Virginia limited liability company.

In support of this motion, the Government states the following:

1. On March 4, March 14 and May 3, Consent Orders of Forfeiture were entered with respect to various assets of the defendant, including the aforementioned assets.<sup>1</sup>

2. The United States Marshals Service could not locate some of the assets listed above.

As to the real property known as 330 Oak Lane, the deteriorated state of the dwelling along with several mortgage liens make it highly unlikely that the government would be able to sell the property for an amount sufficient to (1) cover expenses of the Marshals Service with respect to the property, and (2) pay off the encumbrances secured by the property and unpaid real estate taxes. As to the assets listed in Attachments B and C to the March 4, 2011 order, the

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<sup>1</sup> Though filed as “consent orders,” these orders were preliminary orders of forfeiture which had the effect of forfeiting the defendant’s interest in the property and allowing the Government to initiate the ancillary process whereby third parties may file claims to the property. *See Rule 32.2(b)(2)(A)* (court must enter preliminary order without regard to any third party’s interest; third party claims “must be deferred until . . . ancillary proceeding . . .”).

Government has determined that the cost of seizing and storing these items would likely diminish the net proceeds to the point where forfeiture is not economically feasible given the constraints which apply.

WHEREFORE, the United States prays the Court will enter an order vacating the forfeiture of the above-identified assets from the Consent Orders of Forfeiture entered on March 4, 2011 and May 3, 2011, respectively.

Respectfully submitted,

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

/s/  
G. Wingate Grant (VSB 18643)  
Laura Colombell Marshall (VSB 38250)  
Assistant United States Attorneys  
United States Attorney's Office  
600 East Main Street, Suite 1800  
Richmond, Virginia 23219  
Phone: 804/819-5400  
Fax: 804/771-2316  
Email: [wingate.grant@usdoj.gov](mailto:wingate.grant@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of August, 2011, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

John K. Honey, Jr., Esq.  
William R. Baldwin, III, Esq.  
Marchant Thorsen Honey Baldwin  
& Meyer LLP  
5600 Grove Avenue  
Richmond, Virginia 23226-2102  
Tel: (804) 285-3888  
Fax: (804) 285-7779  
billbaldwin@comcast.net

Lynn L. Tavenner, Esq.  
Tavenner & Beran PLC  
20 North Eighth Street  
Second Floor  
Richmond, Virginia 23219  
(804) 783-8300  
(804) 783-0178  
ltavenner@tb-lawfirm.com

Andrew Biondi, Esq.  
Sands Anderson Marks & Miller, P.C.  
1111 East Main Street  
Suite 2400  
P.O. Box 1998  
Richmond, Virginia 23219  
(804) 648-1636  
abiondi@sandsanderson.com

Service will be provided this 9<sup>th</sup> day of August, 2011, by facsimile and first-class mail, postage prepaid to:

William A. Gray, Esq.  
Sands Anderson Marks & Miller PC  
801 East Main Street  
P.O. Box 1998  
Richmond, Virginia 23218-1998

James A. Yergin, Esq.  
5290 Old Alexandria Turnpike  
Warrenton, Virginia 20187  
(Counsel for Village Bank)

/s/  
\_\_\_\_\_  
Laura Colombell Marshall  
Virginia Bar No. 38250  
Assistant United States Attorney  
United States Attorney's Office  
600 East Main Street, Suite 1800  
Richmond, Virginia 23219  
(804) 819-5512  
(804) 771-2316  
Laura.Marshall@usdoj.gov